

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ORA L WALSHIRE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 21A-UI-17790-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/21/20
Claimant: Appellant (5)

Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 5, 2021, reference 04, decision that held the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation benefits for the week that ended June 27, 2020, based on a reference 01 decision that denied benefits. After due notice was issued, a hearing was held on October 7, 2021. Claimant participated. There were three matters set for a consolidated hearing: 21A-UI-17788-JTT, 21A-UI-17789-JTT, and 21A-UI-17790-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KFFV, WAGE-A, and the reference 02, 03 and 04 decisions.

ISSUE:

Whether the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation benefits for the week that ended June 27, 2020, based on a reference 01 decision that denied benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective June 21, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$277.00. Iowa Workforce Development paid \$277.00 in regular benefits for the week that ended June 27, 2020. IWD also paid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the week that ended June 27, 2020.

On September 28, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that denied benefits effective June 21, 2020, based on the deputy's conclusion that the claimant was not partially unemployed from Mercy Medical Center. It was the reference 02 decision, not a reference 01 decision, that prompted the overpayment decision from which the claimant appeals in the present matter. The reference 02 decision has been affirmed in Appeal Number 21A-UI-17788-JTT.

REASONING AND CONCLUSIONS OF LAW:

PL116-136, Sec. 2104 provides, in pertinent part:

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....

(f) Fraud and Overpayments

(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the reference 02 decision denied benefits for the period beginning June 21, 2020, and because the reference 02 decision has been affirmed on appeal, the \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) that the claimant received for the week that ended June 27, 2020 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless she applies for and is approved for a waiver of repayment of FPUC benefits. See below.

DECISION:

The August 5, 2021, reference 04, decision is modified only to correct the reference number of the disqualification decision that prompted the overpayment decision. The claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the week that ended June 27, 2020, based on the reference 02 decision that denied benefits for the period beginning June 21, 2020. The claimant must repay the overpaid FPUC benefits unless she applies for and is approved for a waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

October 15, 2021
Decision Dated and Mailed

jet/ol

Note to Claimant: This decision determines you have been overpaid FPUC under the CARES Act. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.